

REMARKS

Claims 2, 3, and 5-19 are pending in the application.

By the foregoing Amendment, claims 8 and 10 are sought to be rewritten in independent form to incorporate the limitations of claim 11, and claims 12-14 are sought to be amended to depend from claim 10, instead of claim 11. Claims 2, 3, 5-7, 11, and 17-19 are sought to be cancelled without prejudice or disclaimer. New claims 20-22, which recite the same limitations as claims 12-14, but which depend from claim 8, are sought to be added.

These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Substance of the Interviews

Applicant thanks the Examiner for the telephonic interviews conducted on May 4, 2005 and July 18, 2005. The substance of these interviews are discussed below under "Allowable Subject Matter."

Allowable Subject Matter

Applicant thanks the Examiner for the Examiner's indication in the Office Action of April 25, 2005 that claims 15-19 are allowed, and that claims 8-10 would be allowable if rewritten to

overcome the rejections under section 112, second paragraph set forth in the Office Action, and if rewritten in independent form.

Applicant further thanks the Examiner for the indication in the Advisory Action of July 5, 2005 that claims 8-10 and 12-14 (as proposed to be amended in the Response submitted June 17, 2005) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

The Office Action does not set forth any rejections under section 112. This was pointed out to the Examiner in a telephonic interview on May 4, 2005. The Examiner advised that the mention of rejections under section 112 was in error, and that claims 8-10 should merely be objected to as being dependent upon rejected claims and would be allowable if rewritten in independent form.

The Advisory Action indicated that the amendments proposed in the Response submitted June 17, 2005 would not be entered because the proposed addition of new claims 20-22 raised new issues and would require further consideration ("e.g. 112 2nd rejections etc.").

In an email to the Examiner sent July 18, 2005 and a subsequent telephone conference on the same day, Applicant's counsel noted the following:

As recognized in the Advisory Action, new claims 20-22 recite the same subject matter as original claims 12-14. As also recognized in the Advisory Action, claims 12-14 depended from claim 11, while new claims 20-22 depend from claim 8.

In the Response submitted June 17, 2005, the subject matter of claim 11 was incorporated into both claims 8 and 10. Claims 12-14 were amended to depend from claim 10, instead of claim 11, and this amendment apparently was deemed to be acceptable (in view of the statement on page

1 of the Advisory Action that claims 8-10 and 12-14 (as proposed to be amended in the Response submitted June 17, 2005) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

Logic dictates that if it is acceptable to amend claims 12-14 to depend from amended claim 10, it also would have been acceptable to amend claims 12-14 to depend from amended claim 8, which like claim 10, now incorporates the limitations of claim 11.

Logic further dictates that if it would have been acceptable to amend claims 12-14 to depend from amended claim 8, then it should be acceptable to add new claims 20-22, which recite the same subject matter as claims 12-14.

The Examiner agreed with the position of Applicant's counsel with respect to claims 12-14 and 20-22. However, the Examiner indicated that upon further review of the claims, claims 17-19 appear to be inconsistent with their base claim 15, in that claim 15 recites roughness formed by linear prominences and depressions, whereas claims 17-19 are directed to forms of roughness related to punctiform prominences and depressions.

Applicant and Applicant's counsel have reviewed the subject matter of claims 15 and 17-19 and the corresponding disclosure of the present application and agree with the Examiner; and also appreciate the Examiner's vigilance in noting the inconsistency in the claims.

Accordingly, claims 8 and 10 are amended to incorporate the limitations of claim 11, from which they depend, and are therefore now believed to be allowable. Claims 12-14, as amended to depend from claim 10, and new claims 20-22, which recite the same limitations as claims 12-14, but which depend from claim 8, are also now believed to be allowable. Claims 17-19 are canceled.

Objection to the Claims

As indicated in the telephonic conference of May 4, 2005, claims 8-10 are objected to as being dependent upon a rejected base claim. This objection is believed to be overcome by the proposed amendments to claims 8 and 10, as discussed above.

Rejections under 35 U.S.C. § 103

In paragraph 2 of the Office Action, claims 2, 3, 5-7, and 11-14 were rejected under section 103(a) as being unpatentable over Watchorn or Ishii or Hebant or Canadian document CA 967770 or British document GB 2355750 or Japanese documents JP 7-42469, JP 08082186 or JP 2001-3363 in view of Kandle. The rejection of claims 2, 3, 5-7, and 11 is overcome by their proposed cancellation without prejudice or disclaimer. The rejection of claims 12-14 is overcome by their proposed amendment to depend from amended claim 10.

Entry of Amendment under 37 CFR § 1.116

Entry of the above amendments with respect to claims 2, 3, 5-7, and 11-14 is believed in order under section 116 inasmuch as they consist of canceling claims or complying with requirements of form expressly set forth in the outstanding Office Action.

Entry of the above amendments with respect to the addition of claims 20-22 is believed in order under section 116, inasmuch as they do not touch on the merits, those claims reciting the same limitations as previously-examined claims 12-14 and depending from an allowable claim.

Conclusion

All objections and rejections have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for allowance. Should any questions arise, the Examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

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